

PUBLIC HEARING AGENDA REQUEST

Owner/Applicant:

Donald R. Tharpe, Trustee

Board of Supervisors Meeting Date:

March 8, 2007

Staff Lead:

Melissa Dargis, Assistant Chief of Planning

Department:

Community Development

Magisterial District: Lee

PIN:

Service District: Bealeton

6899-29-5691-000 (60 Acres) & 6990-10-5075-000

Topic:

A Resolution to Deny Colonial Crossing Rezoning REZN05-LE-014; and Special Exception SPEX06-LE-020

Topic Description:

Rezoning:

The applicant has submitted a proffered request to rezone the parcel identified as 6990-10-5075-000, currently zoned Village (V) (3.1 acres in size) and a 60-acre portion of parcel 6899-29-5691-000 (85.03 acres total size), currently zoned V and Rural Agricultural (RA), to Residential-4 (R-4). The applicant seeks rezoning approval in order to construct a development of 111 single family detached dwellings.

Special Exception:

This companion application was submitted requesting an above ground sewer pumping station(s) (Category 20 Special Exception) to serve the proposed development.

Project Update:

On February 15, 2007, the Board of Supervisors was scheduled to hold a public hearing on this item. However, it was postponed, before the hearing, at the applicant's request to allow for review of a new project submittal. It should be noted that Toll Brothers, the original applicant, has withdrawn from the project and the property owner, Mr. Tharpe, is proceeding with the requests.

In January 2007, the current applicant entered a revised submission and to staff's knowledge, prior to that date, was not actively involved in the project. This January submission of

materials includes a response to comments letter; draft proffers; and a Concept Development Plat (CDP) that attempts to incorporate referral agency comments. However, the October 26, 2006 Planning Commission staff report outlined several necessary refinements to the project that have not been addressed with this submission.

While working with the previous applicant, staff made several requests for the entire parcel to be considered for rezoning. Each time, the response was that the property owner would be making that application after the residential rezoning and that Toll Brothers was not a commercial developer. Now that the applicant and the owner are same, County staff strongly recommends that the Board of Supervisors request the applicant combine his residential and commercial projects. Circumstances have changed, with the Board's priority placed on business development, and the issues regarding capacity and expansion cost constraints with the Remington Wastewater Treatment Plant (WWTP) cited in two recent studies. The referenced reports are: (1) Business Development Strategies, Preliminary Findings and Recommendations (Fauquier County; Dated: January 26, 2007) and (2) Remington Wastewater Treatment Plant, Enhanced Nutrient Removal, Preliminary Engineering Report (Fauquier County Water & Sanitation Authority; Dated: February of 2007).

The Remington WWTP has an existing capacity of 1.4 million gallons per day (mgd), while it processes an estimated 0.96 mgd. It needs to be noted that, over the past 5 years, 1,201 residential units (lots, apartments) have been approved through the rezoning or subdivision process, have yet to have homes constructed, and would be served through this facility. The residential unit total represents an estimated sewer demand of 312,000 gpd and does not reflect pending commercial projects. Examples of the residential projects include: the Craig Property, Colonial Downs, Ellerslie Farm, Fox Haven, Freedom Place, Green Springs (Willow Creek) Jackson Chase, Laurenwood, Liberty Station, Rappahannock Landing, Revere Woods, Waltham Commons and Wexford Mews. Until sewer expansion cost and construction funding issues are resolved, the question of whether to approve additional residential rezoning applications should be taken into consideration.

Action Requested of the Board of Supervisors:

Conduct a public hearing and consider the attached resolution of denial.

Planning Commission Recommendation:

On October 26, 2006, the Planning Commission forwarded this item to the Board of Supervisors with a unanimous recommendation of denial. Attached is the Commission's resolution recommending denial. When the applicant demanded action of the Planning Commission, the project was not ready for referral to the Board of Supervisors as there were still several major refinements needed. The following items were identified as areas that needed to be addressed:

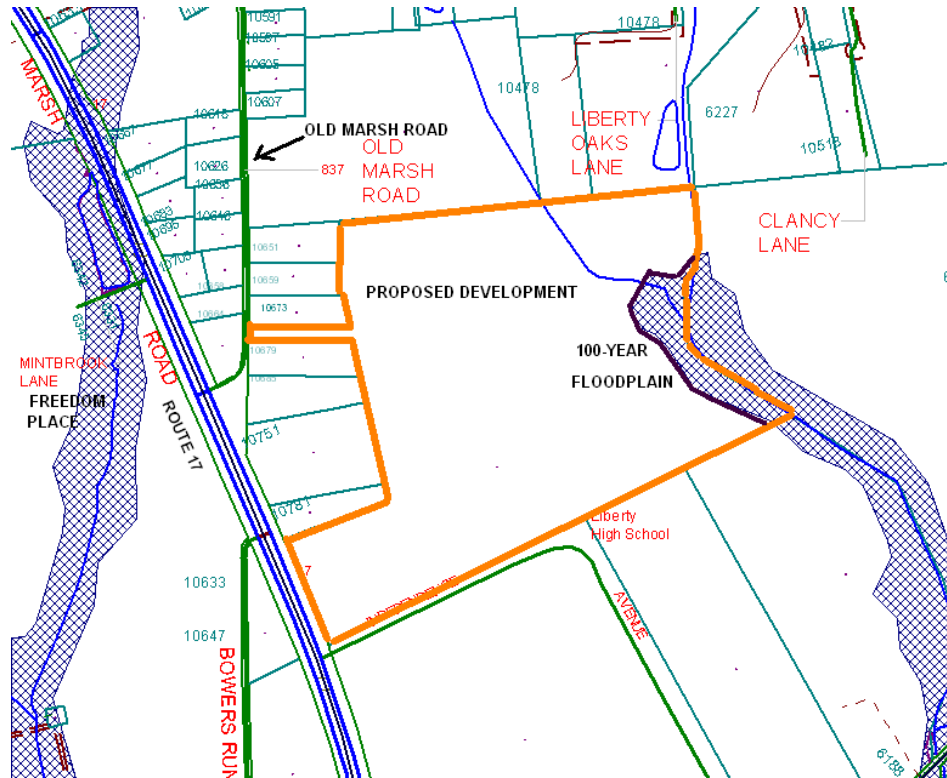
- Provision of the WSA preferred location for the proposed pump station.
- Construction of the pump station to ensure it is large enough to accommodate additional equipment and capacity for the commercial acreage on this parcel (note: commercial is not

part of this rezoning application). Future hook-up of the commercial property should not impact residential community.

- Preliminary floodplain study results assisting in lotting revisions and East-West Connector alignment, as required.
- Proper road alignment of “Colonial Crossing Drive” with the East-West Connector (as shown on the Freedom Place Preliminary Plat).
- Reservation of an area large enough to accommodate a feasible option for road alignment for the East-West Connector (right-of-way for this road requires a minimum of 110 feet), past the point that the applicant proposes to build it (as shown on the CDP).
- Justification for rezoning (per Chapter 6 of the Comprehensive Plan) for a density higher than one dwelling unit per acre (application is closer to 2 units per acre).
- Modifications to the buffer adjacent to the portion of the parcel designated for commercial to allow for preservation of environmental features.
- Incorporation of a phasing plan for the development.
- Consideration of the current proffer policy (Note: facilities impacts and voluntary proffer contributions {approximately \$28,000 per unit under current proffer policy} exclusive of transportation impacts).
- Incorporation of Low Impact Development (LID) principles – relocation of lots, flood easements, and house setbacks from floodplain (25-foot requirement).
- Inclusion of note on plat, per County Engineer, regarding basements not recommended in soil mapping units with high shrink swell potential.
- VDOT acceptance of the Traffic Impact Analysis and the proposed roadway improvements.
- Refinements to the proffer statement to address any project revisions.

Land Area, Location and Zoning:

The properties are located east of the intersection of Marsh Road (Route 17) and Old Marsh Road (Route 837) north of Independence Avenue. A map of the properties is shown below:



Neighboring Zoning/Land Use:

The property is zoned mainly Rural Agricultural (RA), but a portion on the northwest side is zoned Village (V) and a small piece on the southwest corner is zoned Commercial-1 (C-1). The parcels are bounded by V and RA to the north; RA to the east and south; Route 17 forms the boundary of a portion of the west side of the parcel and it is adjacent to RA and V zoned land.

Consistent with the RA zoning category, this property is located in a district that contains areas where agriculture and forestry are the predominant uses or where significant agricultural land or large lot type residential development exists. The parcel also contains V zoning which is within the Village of Liberty; the development will be adjacent to this Village.

Staff Analysis:

Staff and the appropriate referral agencies have reviewed these requests for conformance with the Comprehensive Plan, the Zoning Ordinance, and other relevant policies and regulations. A summary of staff and referral agency findings, comments, and recommendations are provided below. The actual responses from referral agencies are available upon request.

Comprehensive Plan:

The Village of Liberty

The Comprehensive Plan identifies the Village of Liberty as a Category II village. Infill

development and limited expansion are appropriate due to the proximity of the Bealeton Service District and development in that area. Villages and settlements are not planned to be served by public utilities or planned to receive future services.

The Villages within the County vary in character amongst themselves and from other more urban related developments within the County. The rural villages, in general, have a different traditional character from that found in relatively recent subdivisions. The reasons for their existence, social structure, need for services, mix of uses and other characteristics are different. Thus, villages and the “suburban residential” portions of the service districts must be treated differently at both the plan and formation stage, and in designing appropriate implementation techniques.

Staff has suggested the provision of additional buffering (dedication) along adjacent RA properties to effectively create the hard edge for the Village. In the case of this proposal, RA and V zoned land will be rezoned to a higher density, R-4. The proposed development would be adjacent to the Village. The proffers do not contain any architectural guidelines to demonstrate that the proposed new development will blend with the existing character of the adjacent Village.

The Comprehensive Plan “General Design Principles” state that neighborhoods should possess an identifiable community center or focal points, for example a park, elementary school, recreational center. Further, every neighborhood should contain a centrally located neighborhood park, a number of pocket parks and other enhancements for community use. Neighborhoods should be designed in a generally rectilinear pattern of blocks.

The Adopted Bealeton Plan

The Bealeton Service District Plan was adopted on November 19, 2002 following a two year Citizen Committee, Planning Commission and Board of Supervisors adoption process. The key concept advanced first by the Citizen Committee, endorsed by the Planning Commission and accepted by the Board of Supervisors was that Bealeton have a central core of commercial and employment functions. The Plan anticipates that commercial functions would predominate in the south-eastern quadrant of the core area, while employment uses would predominate in the north-western quadrant, the quadrant which the applicant proposes to develop. These uses would be buffered by adjacent high and medium density residential uses. The future “Bealeton Connector” is envisioned to remove regional traffic from Route 17, which runs through the center of the community. Since this Bypass would take decades to build, the Plan proposes the construction of a major collector road parallel to Route 17, called Church Street, which would link the neighborhoods to the west with Bealeton’s retail and employment areas in the core, the future VRE station and industrial areas in the south, and with Liberty High School, a future middle school and Grace Miller Elementary School in the north.

A long-standing and important Fauquier County planning goal has been to concentrate and guide growth into the Service Districts. These areas are planned for relatively more intensive use and density. In order to support and promote growth, adequate public facilities and

infrastructure, including public water and sewer, have been planned for the Service Districts.

The pivotal goals and tenets of the Bealeton Service District Plan, are to create, over a long period spanning decades, a town center consisting of a full range of employment, institutional, retail, civic and residential, and open space/recreational areas. The existing Service District Plan represents the building blocks to establishing a town character with well linked neighborhoods, businesses and public institutions/parks. The objective is to provide a clear mix of land uses, housing, jobs, and a more balanced community which reduces traffic and creates better fiscal balance.

Comment:

A second entrance for the development is recommended. There is only one (1) way for ingress/egress shown on the CDP. Staff notes that an emergency access has been provided for Fire & Rescue personnel and apparatus. One access point is also a concern due to the traffic volume that will be generated by the residents. The project entrance (Colonial Crossing Parkway) should align with the development on the west side of Route 17 (Freedom Place); which as currently proposed, does not.

Rezoning:

In the Comprehensive Plan, the land use for the proposed project area is identified as Low Density Residential (1-3 dwelling units per acre). Residential rezoning applications are expected to be presented at the low end of each density range for the specified service district location. For example, in the Comprehensive Plan designated residential locations where Low Density Residential development is proposed (1-3 dwelling units per acre), any application above one (1) dwelling unit per acre must justify those increases with the:

1. Provision of affordable housing (low/moderate income housing); and/or
2. Elimination of lot subdivision potential through easements (Purchase of Development Rights) on: (a) Rural Agricultural (RA) and Rural Conservation (RC) zoned properties generally located within the service district's magisterial district; (b) property designated as parkland or marked as a hard open space edge along the service district boundary within the service district plan; or (c) a critical future transportation corridor designated by the Board of Supervisors needing protection from further development; and/or
3. Implementation of unique town-scaled designs consistent with the adopted service district plan; and/or
4. Other combinations other than cash/material contributions to the needs of the County.

The applicant's Statement of Justification (included as Attachment 1) provides their rationale for the proposed increase in density from 1 unit per acre to 1.94 units per acre. As noted by the applicant, they believe the proposed layout is a "unique town-scale design." In staff's opinion, the layout is a standard suburban design with no "unique" features. There is a

neighborhood park area and a 100-foot buffer to the adjoining RA properties, both of which are Zoning Ordinance requirements. The applicant further states they are providing a “hard open space edge” along the Service District boundary, which is the case as this property is the last parcel at the edge of the Service District. With the required buffer and the floodplain at the eastern edge of the property, this edge is the result of no action on the part of the developer.

The applicant argues that the proposed extension of the East-West Connector Road through the property provides for a critical transportation corridor not required by Colonial Crossing. This roadway is shown on the County’s Comprehensive Plan through this property and, once completed, will be used by this development. In fact, a portion of this road is the development’s only access point without which the development could not be realized. The applicant only proposes to build the section to be used by the development, and has not demonstrated that the area to be dedicated and not constructed is in a workable location. This area is problematic due to floodplain, wetlands, and soils.

As proposed, the right-of-way dedication of a 50-foot strip to Old Marsh Road does not represent any loss of development potential by the applicant, as this area cannot be developed for any use other than a trail or as a portion of the open space area. The Virginia Department of Transportation (VDOT) requested the dedication of this strip to establish an option for rerouting Old Marsh Road traffic through the Colonial Crossing development, once traffic volumes require the closure of the intersection Old Marsh Road and the new East-West Connector. This closure will be necessary due to the minimal separation between Route 17 and Old Marsh Road.

Implementing the Master Water and Sewer Plan referenced in the Comprehensive Plan is another of the applicant’s justifications for increasing project density. The applicant states they are expanding the size of the sewer pump station for the proposed commercial development north of the High School. However, the applicant is also the property owner of this referenced property and would be the chief beneficiary of this sewer expansion. Staff is not clear how this expansion contributes to the needs of the county to the extent that a density increase is warranted.

Finally, the applicant indicates that they should be given credit for their willingness to provide a critical loop of the proposed water line connection to the High School that will enhance the public water system. This connection would probably be WSA required for the proposed development on this site for redundancy and fire protection needs; confirmation is needed from WSA.

Staff notes that the parcels are located within the Bealeton Service District, identified in the Comprehensive Plan as Low Density Residential (1-3 dwelling units per acre). However, today that area is zoned Rural Agricultural and Village. The maximum by-right units available to the 80-acre parcel would be five (5) lots with a 68-acre residue parcel. Before a proffer analysis occurs on a rezoning, the Board of Supervisors needs to assess its land use consistency with the Comprehensive Plan and adjoining properties as well as transportation and infrastructure impacts. Typically at the point where staff and the Planning Commission

are satisfied with the proposed land use density and design, then consideration of proffers and how public facilities, road and infrastructure impacts are to be mitigated can be considered. That point was not realized with this project, and the Planning Commission was required to act prematurely. Now the Board of Supervisors is being asked to evaluate the proposed land use as well as the proffers, and the development's impact on public facilities and infrastructure.

The current Proffer Policy, for single family dwelling units, identifies \$28,503 per unit for monetary contributions; the applicant's proposal is consistent with this policy. However, it appears the applicant is seeking a credit for a 55-foot right-of-way reservation on an adjoining property under the applicant's control as it relates to proffered contributions of \$4,500 per unit for the Bealeton Bypass and \$500 per unit for Emergency Services. It is not clear from the proffer language whether the applicant is seeking a credit from the regular Proffer Policy contributions or is seeking relief from a contribution to the Bealeton Bypass and a portion of the Emergency Services contribution. Also, it is not clear what value the applicant has placed on this off-site reservation. If the value is \$5,000 per unit ($\$4,500 + \500×111) or \$555,000, the proffer could be revised to more clearly explain the intent. To staff's knowledge there has been no assessment made of the value of this off-site reservation.

Also, the applicant has not continued the East-West Connector Road (what they identify as Colonial Crossing Parkway) through their property. The applicant's plan shows a right-of-way dedication. However, the applicant should consider design and construction of this key Comprehensive Plan roadway as part of its project.

Engineering

The Engineering Department has reviewed the plans for the referenced project. The application includes a separate seven (7) page Concept SWM Plan; the proffers should be amended to incorporate this Plan as well as the 6 page Concept Development Plan submittal as part of the overall application. The following items should be addressed through the rezoning application:

1. The developer should be responsible for constructing the proposed "East/West Connector" from the east property line of the project to completion of the intersection with Route 17.
2. The proposed sewage pumping station should be planned to be large enough to provide capacity to serve the future developing area (at full development) that logically drains to the pump station.
3. On page 2 of the Proffers the first full paragraph should include a statement that "final engineering shall be in full compliance with the Fauquier County Design Standards Manual."
4. On page 3 of the proffer statement, under II A, open space areas and recreational facilities should be physically constructed along with the overall site infrastructure and not simply bonded for future construction.

5. Page 4 of the proffer statement advises that the County may have to obtain the necessary off-site right-of-way and easements. Acquisition of all right-of-way and/or easements required for the project should be the responsibility of the developer.
6. On page 6 under item C.3 the last sentence should be revised to read as follows: Wooden bridges or other appropriate structures shall be constructed where appropriate to cross drainageways or wetlands.
7. On page 6 item A.2 should establish minimum design and construction standards for the emergency access road.
8. There is to be no fill in the FEMA regulated floodplain without a Special Exception. These include pond embankments and fill for trails, roads, or lots. The floodplain reflected on the FEMA maps does not correlate to the actual lay of the land as represented on the current application. It is strongly recommended that a floodplain study be prepared to accurately reflect the true floodplain limits. The applicant should be required to file a Special Exception to address the perceived need for fill in the floodplain for the East-West Connector Corridor at this time.
9. Two major drainageways cross under the proposed parkway reservation. These culvert crossings should be sized now to determine the ponding area that these culverts might create. Alternatively, building lots should not be proposed in the vicinity of Lots 24-27. Also, the alignment of this travel corridor should be verified to be in an agreeable location with respect to other properties that it is projected onto.
10. No utility easements or lots are to be located within the SWM/BMP facility areas.
11. Plan should provide vehicular access to the sewage pumping station.
12. All applicable State and Federal permits are to be filed with the first submission of the Final Construction Plans. This includes the COE/DEQ permits for disturbance of wetlands.
13. Swales and drainageways should be protected to the maximum extent possible. Lots 9, 10, 29-32, 43, 76-79 and any other lots in defined swales should be relocated.
14. All ponds and outfall structures are to be kept 25 feet from the property lines. Trees, shrubs, and any other woody plants are not to be planted on the embankment or adjacent areas extending at least 25 feet beyond the embankment toe and abutment contacts. This area is to be within a maintenance easement. Tree save areas and landscaping cannot be in these areas.
15. No stormwater runoff generated from new development shall be discharged into a jurisdictional wetland without adequate treatment.
16. Proof of provisions for adequate fire flow will be required with the first submission of the

Final Construction Plan.

17. Numerous lots are located in soils that are characterized as having a high water table. This submission did not superimpose the proposed layout with Lot Numbers on the soils map so we cannot identify specifically which lots. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Unless, in the opinion of the County Engineer, the topography of the lot in relation to the overlot-grading plan precludes grading the site to drain the basement to daylight, all basements shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the Final Plat. A note shall be placed on the Final Plat stating, "Basements are not recommended in mapping units 5A, 14B, 67B, 74A & B, 78A, 178A, 79A, and 475B. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."
18. The parkway alignment will need to be coordinated with the Freedom Place alignment for this road. As proposed, with this application opposite sides of the Parkway will be constructed.
19. Dry ponds are not appropriate in drainage areas over 50 acres or in high water table soils.
20. BMP qualifying open space is to be limited to jurisdictional wetland and floodplain areas that do not have overlying encumbrances such as easements and trails. Areas within private lots do not qualify.
21. An overlot grading plan is to be provided as part of the Final Construction Plans. It is to show discharge points for sump pumps and downspouts that are controllably conveyed away from all building structures and into an appropriate drainage collection and conveyance system.
22. Typical road section widths should be based on the County's Class 2A or 4A standard depending on traffic counts. Sidewalks should be provided on both sides. The typical section may not fit in the 50-foot right-of-way as depicted on Sheet 4.
23. It appears that sewer and water extensions will require offsite easements. Any necessary offsite easements will have to be acquired prior to final subdivision approval. It appears the Cedar Run sanitary connection referenced is 1,800 feet west along Route 28 from the creek that the sanitary line appears to follow.
24. The "C", CN, Tc and other pre-condition assumptions will be evaluated with the Final Construction Plans based on values from the Fauquier County Design Standards Manual. All on-site channels must be verified to be adequate in accordance with the Virginia

Erosion and Sediment Control Handbook Minimum Standards #19 for the total drainage area to the point of analysis within the channel in addition to reducing post-development peak discharge to pre-development based on the overall project area as shown in the preliminary SWM/BMP calculations.

Zoning

The Zoning Office has the following comments:

Request to rezone a portion of parcel 6990-10-5075-000 currently zoned Village and a portion of parcel 6899-29-5691-000 currently zoned V/RA to R-4 (Cluster), with a proposed development of 111 single family dwellings:

1. The application for Special Exception – Category 20 must be approved before plan approval can be granted.
2. Although the application states that 31.19 acres (51% of the acreage proposed for rezoning) is to be in open space, it is difficult to ascertain whether the layout presented in the Conceptual Development Plan (CDP-Sheet 4 of 6) meets the Zoning Ordinance requirements for open space. Since an open space calculation table is not provided with the CDP, it is not clear that area within pump stations and within a street reservation have been counted toward meeting the open space requirement in violation of Zoning Ordinance (Z.O.) Section 2-309 (5).

Proffers:

1. It appears that prior Zoning comments have been addressed satisfactorily with the following exception:
 - a. Under II. A. The Suggested Language for this section has not been revised to reflect that the 56th occupancy permit shall not be issued until the two (2) recreation facilities are constructed.

Suggested Language:

*II.A. The recreation facilities (Village Pocket Park (inclusive of trails and landscaping) and Neighborhood Village Green-Active Recreation Area (inclusive of trails, tot-lot, landscaping and activity field)) shall be built concurrently with the dwelling units adjacent to the facilities. In no case, shall the 56th occupancy permit be issued prior to the construction of ~~one of these~~ **two** recreation facilities. All other open space, landscaping and open space elements, including trails shall be constructed prior to the issuance of the 100th building permit for the project.*

2. On line 6 of the opening paragraph of the proffers, it is not clear what is meant by “substantial conformance” with the proffers. It is understood that development will

proceed in substantial conformance with the Concept Development Plan (CDP). However, the development must be in conformance with the proffers.

3. It is not clear if these proffers apply to the entire Rezoning Plan (all of the Plan Sheets) or only the CDP (Sheet 4 of 6). The proffers must apply to the entire plan, including all sheets submitted as part of the plan. If the CDP is going to be referenced, the entire set of plans should be titled "Concept Development Plan.
4. Under III.A.1. On the 3rd line, delete "twenty-eight thousand dollars".

Request for Category 20 Special Exception for a sewage pump station:

1. Applicable Standards:
 - a. 3-320.3, Above Ground Sewage Pumping Station
 - b. 5-006, General Standards
 - c. 5-2001, Additional Submission Requirements
 - d. 5-2002, Standards for All Category 20 Uses
2. Section 3-320.3 requires approval of a site plan for this facility, in compliance with Article 12.

Soil Scientist

After reviewing the Special Exception plat, this office has the following comments:

1. Provide complete information for the Interpretive Guide to the Soils of Fauquier County, Virginia.
2. Change note 11 on page three to read "Basements are not recommended on soils with a high seasonal water table. They include map units: 5A, 14B, 74B, 78A, 798A, 178A, 178B and 475B."
3. Most of soils on this parcel are rated fair to good for general development using central sewer and central water. Soil map units 5A, 14B, 178A and 178B are rated poor to very poor for development using central water and sewer.
4. The following soil map units may contain hydric soils, which indicate the presence of jurisdictional wetlands: 5A, 14B, 78A, 79A, 178A, and 178B. Areas of jurisdictional wetlands will decrease available area for development.
5. Avoid placing houses in drainageways and swales.
6. Prevent unnecessary loss or degradation of natural resources, including prime farmland, floodplains and seasonally wet soils. Prime cropland includes soil map units 14B, 71B, and 75B. Floodplains include soil map 5A. Seasonally wet soils include soil map units

5A, 14B, 74B, 78A, 79A, 178A, 78B and 475B. (Zoning Ordinance 2-406)

Parks & Recreation

The Parks and Recreation Department submits its comments on the proposal as follows:

The Department acknowledges return comments provided to our review comments of April 10, 2006. We very much appreciate the favorable response to our request. The developer and design team should be commended for their efforts as it pertains to recreational needs in this area of the County.

The trail leading to the “Village Pocket Park” could be reduced to 6 feet from 10 feet with same safety buffer. This trail does not need to be conveyed to the County, but stay with the HOA for maintenance.

Transportation

As of the preparation of this report, VDOT has not commented on the revisions although new comments are anticipated. For the Board’s information VDOT’s comments September 26, 2006 comments are included. Those are the comments that should be addressed with the latest submission.

The Warrenton Residency staff reviewed the above referenced rezoning and has the following comments:

1. The CDP shows the road construction being performed by Freedom Place at the intersection of Route 17 as constructing the two lanes on the north side of the 120’ of right-of-way being dedicated. However, they are going to construct the southern two lanes of the four lane roadway, and may not line up with the lanes being proposed to be constructed by this project.
2. Remove the note on the typical section indicating the road will be prime and double seal.
3. VDOT continues to recommend that any roads that are required for the development of the adjacent properties or in accordance with the County’s Comprehensive Plan be constructed to the property line. The grades should be looked at on the adjacent parcels to ensure the construction of the road does not prohibit the adjacent parcel connecting to the road. In accordance with the VDOT Land Development Manual Chapter 3-10 Section V, the construction of any improvements in association with the County Comprehensive Plan, regional transportation plans, or VDOT’s Six-Year Plan should be provided by the developer.
4. The VPD shown for the roads north of Colonial Crossing Parkway do not add up to the 510 VDP for the 51 lots shown, and this should also include future traffic counts if Old Marsh Road is re-routed through the subdivision.

5. There is a potential utility connection to Freedom Place shown along Route 17. VDOT recommends that an alternative route be explored, and that should only be used as a last resort.
6. On site road improvements proffer IIC1 needs to be worded that Colonial Crossing Parkway shall be constructed in accordance with GS-7 Geometric Design Standards for Urban Collector Street in the Road Design Manual.
7. Proffer IIIB is indicating that the County or VDOT shall acquire additional right-of-way for the offsite road improvements if the developer is unsuccessful. VDOT does not acquire right-of-way for developer required frontage improvements. In addition, VDOT does not have a procedure for escrowing funds for any improvements that the developer was unable to complete.
8. VDOT continues to recommend that the four lane road section be constructed through the first intersecting road for the subdivision (not Old Marsh Road), and then tapered back to a two lane road section.
9. The frontage improvements to Route 17 at the intersection with Colonial Crossing Parkway should be completed in the initial phase, and we recommend the re-alignment of the intersection be performed prior to any occupancy permits being issued.
10. VDOT's June 27, 2005 comments indicated that Exhibit 12A on page 28 of the Traffic Impact Analysis indicated that a signal has been committed to be built at the intersection of Route 17 and 663, but it is unclear who is constructing this signal. If the signal has not been funded to be constructed, it cannot be used as an assumption for the TIA. In addition, the delays with and without the signal for background traffic and with the site traffic cannot be compared because they were not provided. The comment response letter only indicated that they did not feel a signal at this intersection was necessary because traffic would use the light at Route 17 and Old Marsh Road. However, it did not address what the increased delay would be without the signal.

Water and Sewer

To date, the County has not received comments from the Fauquier County Water and Sanitation Authority (WSA). The WSA's comments are critical to this project in light of the exceptionally limited sewer capacity as noted in the WSA's draft report on the Remington Wastewater Treatment Plant, Enhanced Nutrient Removal, Preliminary Report (Dated, February 2007). This is a new study, along with the County's Business Development Strategies Preliminary Findings and Recommendations Report (Dated, January 26, 2007). Both pose concerns about the availability for sewer to this and other proposed residential development in the Bealeton, Opal and Remington Service Districts. The County needs to review the applicant's residential and commercial projects as a package.

In addition, the WSA's preference for the above ground sewer pump station location is needed before action can be taken on the Special Exception.

Summary and Recommendations:

It is recommended that the Board of Supervisors hold the public hearing on this item. Staff asks the Board to also consider Planning Commission's recommendation and referral agency comments. Although the applicant has addressed some of the previous comments, further refinements to include the aforementioned comments should be considered.

Staff has met with the applicant and its representative and notes that they are working diligently to respond to the complex issues raised. However, they were not involved in the numerous meetings between staff, the Planning Commission and the initial applicant, so they may not have a complete understanding of the necessary project refinements. Staff would encourage the applicant to request postponement of this item. The Board may also wish to consider the applicant's request to close the public hearing and postpone action. If the applicant does not opt to postpone, staff would recommend denial of both applications.

Updated comments from VDOT were not available at the time of preparation of this report. It is also recommended that the applicant and its representative continue to work with staff to address the outstanding items identified in this report. The refinements many require modifications to both the proffers and CDP; therefore, the public hearing should remain open or be rescheduled when the project refinements have been completed.

Staff notes the highlights from the new project submittal:

- Incorporation of a phasing plan of two (2) years with no more than 62 units built the first year;
- Conformance with the County monetary Proffer Policy;
- A credit applied to the monetary proffers in consideration of the reservation of a 55-foot strip for future public use along the northerly portion of the property as follows: 1. \$4,500 per unit for any proffer applicable to the Bealeton Bypass {it is not clear what is the intension of this proffer, as the applicant has not made a contribution to the Bealeton Bypass}; and 2. \$500 per unit for Emergency Services. As noted previously, the applicant needs to more clearly explain the intent of this proffer;
- Revised lot layout;
- Reservation of a "Roadway Extension Corridor" a 110-foot wide area to accommodate a feasible option for road alignment for the East-West Connector, past the point that the applicant proposes to build it (as shown on the CDP); and
- Inclusion of note on plat, per County Engineer, regarding basements not recommended in soil mapping units with high shrink swell potential.

Items that the applicant should address in the resubmittal include, but are not limited to:

- Addition of the proposed commercial portion of the parcel to the rezoning request. As the applicant and property owner are now the same, there is the opportunity for a more complete evaluation of this section of the Service District;
- Assurance from the WSA that there is adequate sewer capacity for development of both

- the planned residential and commercial portions of this property;
- Identification of the WSA's preferred location for the proposed pump station;
- Construction of the pump station to ensure it is large enough to accommodate additional equipment and capacity for the commercial acreage on this parcel (note: commercial is not part of this rezoning application). Future hook-up of the commercial property should not impact residential community;
- Address how the four-lane road section of the East-West Connector will be constructed through the first intersecting road for the subdivision;
- Justification for rezoning (per Chapter 6 of the Comprehensive Plan) for a density higher than one dwelling unit per acre (application is closer to 2 units per acre);
- Incorporation of Low Impact Development (LID) principles – relocation of lots, flood easements, and house setbacks from floodplain (25-foot requirement);
- VDOT acceptance of the Traffic Impact Analysis and the proposed roadway improvements;
- Update typical road sections to reflect County and VDOT requirements, including sidewalks on both sides of streets;
- Staff recommends that the developer design, construct and build "Colonial Crossing Parkway" along the property frontage and through the edge of the property;
- Size the culvert crossings that will need to cross the two major drainage ways under the proposed East-West Connector reservation areas to determine the ponding area. Alternatively, reconfigure the lot layout in the vicinity of Lots 24-27.
- Verify the alignment of the East-West Connector corridor to determine if it is in an agreeable location with respect to adjoining properties.
- Relocate lots to protect swales and drainageways. The prior applicant was working with staff to revise the CDP and to request modifications to allow the lots to shift toward the commercial development to help protect the future lot owners and to protect the more environmentally sensitive areas near the floodplain;
- Provide a copy of the floodplain study for review;
- Revise proffers so that the County and VDOT do not have the responsibility of acquiring right-of-way or easements for the project development;
- Mitigation of Bealeton regional transportation impacts and a monetary contribution to the Bealeton Transportation Fund for the Bealeton Connector. The applicant appears to be seeking a credit toward these impacts as noted previously;
- Architectural guidelines proffered to demonstrate that the proposed new development will blend with the existing character of the adjacent Village of Liberty; and
- Refinements to the proffer statement to address any project revisions.

Identify any other Departments, Organizations or Individuals that would be affected by this request:

1. Fauquier County Department of Community Development
2. Virginia Department of Transportation

ATTACHMENTS:

1. Statements of Justification
2. Proposed Proffers
3. Project Plats
4. Planning Commission Resolution